

NOTICE OF CLAIM

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In the Matter of the Claim of

MARQUETTA JAMES

- against -

BROOME COUNTY, CITY OF BINGHAMTON, BROOME COUNTY DISTRICT ATTORNEY'S OFFICE, CITY OF BINGHAMTON POLICE DEPARTMENT, CITY OF BINGHAMTON FIRE DEPARTMENT, BROOME COUNTY CORRECTIONAL FACILITY, FIRE MARSHAL TIMOTHY O'NEILL, DET. AMANDA MILLER, LT. NICHOLAS GRISWOLD, SGT. DANIEL FLANDERS and JOHN/JANE DOE NOS. 1 THROUGH 20, being unknown employees of Broome County, and City of Binghamton in their individual and official capacities, who were involved in the investigation, prosecution and detention at issue.

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TO: Richard B. Golden
Broome County Attorney
Broome County Office Building
Sixth Floor
60 Hawley Street
PO Box 1766
Binghamton, NY 13902
Email: Robert.behnke@broomecountyny.gov

Brian Seachrist, Esq.
Binghamton Corporation Counsel
Binghamton City Hall
38 Hawley St.
Binghamton NY 13901
Email: corpcounsel@cityofbinghamton.gov

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demands against you as follows:

1. Name and post office address of each claimant and the claimant's attorneys:

ATTORNEY FILING CLAIM:

Justin Bonus, Esq.
Bar Number: 5015938
Address: 118-35 Queens Blvd, Suite 400
Forest Hills, NY 11375
Phone: 347.920.0160
Fax: 888.237.8686
Email: Justin.Bonus@gmail.com

CLAIMANT INFORMATION:

Name: Marquette James
Birthdate: [REDACTED]
Address: [REDACTED]

2. Nate of the Claim:

Deprivation of civil rights under color of law (42 U.S.C. § 1983) in violation of the Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution; deprivation of civil rights under color of law pursuant to municipal policy, practice and/or custom (42 U.S.C. § 1983 and *Monell v. Dep't of Social Servs.*, 436 U.S. 658 (1978)) in violation of the aforesaid amendments; conspiracy to interfere with civil rights under color of law (42 U.S.C. § 1985) in violation of the Fourth, Fifth, Sixth, Ninth and Fourteenth Amendments to the United States Constitution; deprivation under color of law of rights guaranteed by the Constitution of the State of New York; false arrest; speedy trial violations; false imprisonment; malicious prosecution; negligence; intentional infliction of emotional distress; prima facie tort; abuse of process; prima facie tort; negligent hiring; negligent training; negligent supervision; failure to investigate; failure to timely and properly respond to misconduct; misrepresentation; failure to timely and properly exercise prosecutorial functions and independent judgment. It is alleged that the employees of Broome County, City of Binghamton, the Broome County District Attorney's Office, the City of Binghamton Fire

Department, and the City of Binghamton Police Department conspired to interfere with the civil rights of the claimant when they arrested, prosecuted and detained claimant for roughly 14 months without probable cause. Ms. James was detained in dangerous and deplorable conditions within the Broome County Correctional Facility. The aforesaid causes of action arise from the unlawful arrest, imprisonment and abuse of criminal process of claimant MARQUETTA JAMES for arson in the second degree (PL 150.15) based upon events that occurred on February 15, 2022, located at 159 Conklin Avenue in the confines of the City of Binghamton. Ms. James's arrest, prosecution and detention was effectuated without probable cause and was the result of the willful, intentional, malicious, reckless, negligent, and/or deliberate indifference of Broome County, City of Binghamton, Broome County District Attorney's Office, City of Binghamton Fire Department, City of Binghamton Police Department, and their employees, agents and/or servants, particularly including, but not limited to, the individuals named above and JOHN/JANE DOE NOS. 1 THROUGH 20. Ms. James was also misdiagnosed with diabetes while detained in the Broome County Correctional Facility. The aforesaid deprivations, breaches, torts and violations are continuous from the date of arrest on February 15, 2022, through April 21, 2023, when Ms. James was acquitted of the crimes that she was charged with.

3. The time when, the place where and the manner in which the claim arose:

On or about February 15, 2022, at approximately 7:18AM, a fire broke out at 159 Conklin Avenue in Binghamton. An investigation ensued by the City of Binghamton Police Department and the City of Binghamton Fire Department. Prior to the investigation being completed, Ms. James was arrested and charged with arson in the second degree.

In continuing with tunnel vision exhibited by the initial investigation, the Broome County District Attorney's Office continued with the prosecution even in the face of evidence that this was not the result of arson. As such, there was neither evidence to arrest nor prosecute.

Ms. JAMES was found not guilty of arson, because of the forensic evidence that was available to the defendants from the very beginning. Ultimately, over 14 months after her arrest, she was acquitted and released on April 21, 2023. During her time incarcerated, she was misdiagnosed with diabetes in the Broome County Correctional Facility.

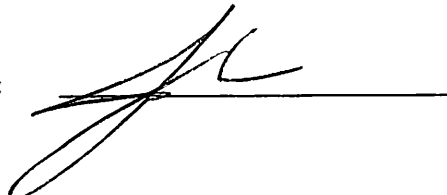
4. The damages sustained by claimant, in information and belief are: The claimant suffered from wrongful and unconstitutional loss of liberty for over a year, lack of due process leading to over a year of wrongful criminal proceedings, interference with familial relationships, medical misdiagnosis based upon the faulty medical care in Broome County Correctional facility, and all damages that are associated with such loss and interference of the aforementioned rights, including, but not limited to, severe mental anguish, emotional distress, humiliation, indignities, embarrassment, economic and monetary loss, degradation and injury to reputation as well as loss of enjoyment of life.

Said claims and demands are hereby presented for adjustment and payment. You are hereby notified that unless they are adjusted and paid within the time provided by law from the date of presentation to you, the claimants intend to commence an actions in these claims. Claim is made for personal injuries and financial losses for TEN MILLION (\$10,000,000) DOLLARS on behalf of claimant MARQUETTA JAMES.

Dated: July 19, 2023

Respectfully Submitted,

By:

A handwritten signature in black ink, appearing to be 'Marquetta James', is written over a horizontal line.

Justin Bonus, Esq.
118-35 Queens Blvd, Suite 400
Forest Hills, NY 11375
Tel: (347) 920-0160
Attorney for Claimant

Dated: 7-19-2023

State of ~~New York~~ Hartford, Connecticut
County of Hartford

I, Marquetta James, being duly sworn depose and say that I have read the foregoing NOTICE OF CLAIM and know the contents thereof: that same is true to the best of my own knowledge, except as to the matter here stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

Signature of Claimant: _____

[Signature]

Sworn before me this day: 7-19-2023

Notary

[Signature]

MARIA L. MIEREZ
NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 31, 2024

